

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ELIJAH BEN DOWDLE**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:16-CV-102 HTW-LRA**

**MARSHALL FISHER, ET AL**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes before this court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson which was entered on June 30, 2017. [**doc. no. 34**]. More than fourteen days, plus sufficient time for mailing and service, have passed since the Report and Recommendation was mailed to the Plaintiff, Elijah Ben Dowdle. No objections have been filed to the Report and Recommendation of the Magistrate Judge.

After examining the record evidence in this case the Magistrate Judge recommended: granting the summary judgment motion of the defendants for failure to exhaust administrative remedies [**doc. no. 22**]; that this matter be dismissed without prejudice as to all defendants; and that Final Judgment should be entered.

Having reviewed the Report and Recommendation, as well as the court filings and the relevant law, this Court concludes that the findings in the Report and Recommendation [**doc. no. 34**] should be and are hereby **adopted** as this Court's own. Accordingly, summary judgment [**doc. no. 22**] is **granted** in favor of the defendants and this matter is dismissed, without prejudice. Plaintiff's correspondence of June 29, 2017, docketed as "motion for settlement" [**doc. No. 33**] is **moot** and, thus, **denied**. A separate Final Judgment will issue on this date.

**SO ORDERED**, this the 4th day of August, 2017.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT COURT JUDGE